

## **Public Notice – Environmental Regulation**

**Notice of action:** The State Air Pollution Control Board is considering the amendment of a regulation concerning Minor New Source Review (NSR) Nonroad Engine Definition (Revision G13). A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Regulations affected:** The regulations of the board affected by this regulatory action are the Regulations for the Control and Abatement of Air Pollution, Permits for New and Modified Stationary Sources (Part II, Article 6 of 9VAC5-80 Permits for Stationary Sources).

**Purpose of notice:** The board is seeking comments through the Department of Environmental Quality (DEQ) on (i) the proposal, (ii) the costs and benefits of the proposal, (iii) the potential impacts of the proposal on the regulated community, and (iv) the effects of the proposal on farm and forest land preservation.

**Public comment period:** February 10, 2014 to March 12, 2014.

**Public comment stage:** Under the provisions of § 2.2-4012.1 of the Administrative Process Act, agencies may use the fast-track rulemaking process for regulations that are expected to be noncontroversial. The reasons for using the fast-track rulemaking process may be found in the agency background document. If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, DEQ will (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action. Otherwise, the regulation becomes effective 15 days after the end of the public comment period.

**Description of proposal:** This amendment revises the definition of "nonroad engine" to be more consistent with a similar federal definition. The definition is expanded to include portable and temporary engines. Since nonroad engines are excluded from the definition of "stationary source," this amendment increases the number of engines that are not subject to minor NSR permitting requirements.

**Locality particularly affected:** There is no locality which will bear any identified disproportionate material air quality impact due to the proposal which would not be experienced by other localities.

**How to comment:** DEQ accepts written comments by email, fax, and postal mail. In order to be considered, written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by the last day of

the comment period. All comments, exhibits and documents received are part of the public record.

**To review regulation documents:** The proposal and an analysis conducted by DEQ (summary, statement of final agency action, legal basis, purpose, rationale for using fast track process, substance, issues, requirements more restrictive than federal, localities particularly affected, public participation, regulatory flexibility analysis, economic impact, alternatives, family impact, detail of changes), are available on the Town Hall web site (<http://www.townhall.virginia.gov>) and the DEQ Air Public Notices for Regulations web site (<http://www.deq.state.va.us/Programs/Air/PublicNotices/AirRegulations.aspx>). The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 am and 5:00 pm of each business day until the close of the public comment period at the DEQ Main Street Office, 8th Floor, 629 E Main St, Richmond VA, 804-698-4070.

**Contact for public comments, document requests and additional information:**

Gary Graham, Regulatory Analyst, Office of Regulatory Affairs, Department of Environmental Quality, PO Box 1105, Richmond, Virginia 23218 (phone 804-698-4103, fax 804-698-4510, email [gary.graham@deq.virginia.gov](mailto:gary.graham@deq.virginia.gov)).

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